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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/789,772 Confirmation No.: 1888
Applicant(s): Miniaci, Robert R.
Filed: 02/27/2004
Art Unit: 2851
Examiner: Fuller, Rodney Evan
Title: Film Projector With High Efficiency Illumination
Attorney Docket No.: 037A.0001.U1 (US)
Customer No.: 29,683

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response To Office Action

Sir:

This is in response to the Office Action mailed 06/10/2005 in regard to the above-identified patent application. The examiner is requested to reconsider his objections and rejections.

It is noted that the last office action was issued by a different examiner than the examiner identified in the first office action. The first examiner had indicated that claims 1-6, 8-12 and 14-20 would be allowable as submitted by applicant's attorney in the last amendment. In fact, claims 9-12 and 14-20 were allowed. The new art cited by the new examiner still does not render the claims obvious or anticipated.

Regarding the objections noted in section 2 of the office action, the examiner is requested to reconsider his objections. If the term "generally horizontally" is

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considered a relative term, there is nothing wrong with this. The examiner is directed to directed to MPEP 2173.05(b) which recites:

"The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph."
"Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification."

In the present case, a person skilled in the art clearly would understand what is claimed in light of the specification. The examiner is requested to withdraw this objection.

In regard to the term "adapted to", although in In re Hutchison the term was found to lack patentable weight when in a preamble of a claim, In re Venezia 189 USPQ 149 (CCPA 1976) (cited in the MPEP, a much more recent case than In re Hutchison, and relating to the term "adapted to" in the body of a claim) explicitly held that the phrase "a pair of sleeves *** each sleeve of said pair adapted to be fitted over the insulating jacket of one of said cables" imparts a structural limitation to the sleeve. The court went on to hold that the language "adapted to be affixed" and "adapted to be positioned" also defines present structures or attributes of the part which limits the structure of the housing. There is no justifiable reason why applicant should remove the "adapted to" language from the claims. The examiner is requested to reconsider his objection.

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Claims 9, 11, 12, 14, 19 and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Gibbon et al. (US 6,736,527). Claims 15 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gibbon et al. (US 6,736,527). Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gibbon et al. (US 6,736,527) in view of Renold (US 4,778,093). Claims 1-4, 6, 8, 10 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gibbon et al. (US 6,736,527) in view of Belliveau (US 6,048,080). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gibbon et al. (US 6,736,527) in view of Belliveau (US 6,048,080) and Renold (US 4,778,093). The examiner is requested to reconsider these rejections.

Claim 1 claims that the reflector has a rear aperture with a portion of the lamp bulb extending therethrough, wherein the rear aperture is larger than a center outer diameter of the lamp bulb. Fig. 2 of Gibbon et al. merely appears to disclose that the center outer diameter of the lamp bulb 48 is about the same size as the hole 36a in the collector 36. The written text of Gibbon et al. does not even identify or use the reference number 36a. The written text of Gibbon et al. does not disclose any relationship between the hole 36a and the bulb 48. The examiner is relying totally on Fig. 2 of Gibbon et al. for his anticipation rejection. However, as can be seen in the attached copy of Fig. 2 with perpendicular lines drawn down from the top of the projector, the center outer diameter of the lamp bulb 48 is about the same size as the hole 36a in the collector 36. There certainly is no disclosure from only Fig. 2 that the hole 36a is larger than

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the center outer diameter of the lamp bulb 48. Only after reading the present patent application does it become obvious to modify the hole 36a in Gibbon et al. to be larger than a center outer diameter of the lamp bulb 48. The examiner is requested to reconsider his rejection regarding claim 1.

Though dependent claims 2-6 and 8 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

Claim 9 claims that the rear aperture of the reflector is larger than a center outer diameter of the lamp bulb. Claim 9 also claims that the lamp bulb and the reflector are sized and shaped such that an operator looking rearward from a front side of the lamp bulb and reflector, and looking generally coaxially relative to a center longitudinal axis of the lamp bulb, can see a general ring shaped gap between the reflector and the lamp bulb when the lamp bulb is aligned relative to the reflector. The features of claim 9 are clearly not taught or described in any fashion in Gibbon et al. There appears to be no ring shaped gap visible by an operator when looking down the axis of the bulb disclosed or suggested in Gibbons et al. Gibbon et al. does not "anticipate" the features recited in claim 9. Therefore, claim 9 is patentable and should be allowed.

Though dependent claims 10-12 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 9. However, to

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expedite prosecution at this time, no further comment will be made.

Claim 14 claims a motion picture film projector retrofit kit. The kit has a lamp bulb anode adaptor. The adaptor is sized and shaped to be attached to a lamp bulb anode of the lamp house and adapted to allow a rear end of the lamp bulb to be mounted to the adaptor, wherein the adaptor is adapted to space the rear end of the lamp bulb forward from the lamp bulb anode and thereby allow the lamp bulb to be located closer to a front end of the lamp house than the old lamp bulb being replaced. Nowhere in Gibbon et al. is there a disclosure or suggestion of a retrofit kit; much less a retrofit kit having a lamp bulb anode adaptor as recited in claim 14. Cathode end portion 40 is shown directly connected to cathode support 58 without an adaptor and cable 54 to anode end portion 38 without an adaptor. The features of claim 14 are certainly not "anticipated" by Gibbon et al. Nor are the features of claim 14 obvious in view of Gibbon et al. Claim 14 is patentable and should be allowed.

Though dependent claims 15-19 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 14. However, to expedite prosecution at this time, no further comment will be made.

Claim 20 is a method claim. Claim 20 claims:

"visually observing from a front end of the lamp bulb a general ring shaped gap between a center outer diameter

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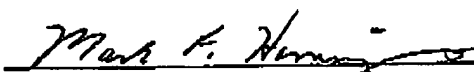
of the lamp bulb located in front of the rear hole and an inner perimeter of the reflector at the rear hole; and

adjustably moving a front end of the lamp bulb to make the gap substantially uniform and thereby align the lamp bulb with the reflector."

Nowhere in Gibbon et al. are the method steps of claim 20 disclosed or suggested; much less anticipated. The examiner is requested to reconsider his rejection.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicant's attorney at the telephone number indicated below.

Respectfully submitted,



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9/9/05

Date

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HARRINGTON & SMITH

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Date

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Name of Person Making Deposit